ORIGINAL

OF NEW YORK

Robert A. Delitta Individually and on behalf of others similarly situated

_____x

                                                    REQUEST TO PARTICIPATE
                                                              AND
Plaintiffs by   CONSENT TO SUE
Permissive Joinder,   "ECF Case"

                          -against-

City of Mt. Vernon New York,
A Municipal Corporation

                          Defendant

_____x

I David Clarke, under penalty of perjury declares the following to be true:

1) I reside at 1 Kingsbridge Plaza Mount Vernon, New York 10552.

2) I was hired by the Defendant in August 1st 2005.

3) I am a member of the Bargaining Unit formed by the Collective Bargaining Agreement (CBA) between the Defendant and the Police Association of the City of Mount Vernon, Inc.

4) My claim against the Defendant is for uncompensated overtime pay, which constituted "hours worked" pursuant to 29 CFR §§778.223 and 778.315.

5) I regularly worked in a given work week in excess of 40 hours, and the Defendant did not record or pay me for the weekly hours worked in excess of 40, arising out of my weapons donning time of 10 minutes; my roll call time of 20 minutes; and my weapons doffing time of 10 minutes for a total of 40 minutes per work shift.

6) I also regularly worked in a so-called experimental work program which requires:

   a) Police Officers to work 20 minutes per shift without such time being counted as "hours worked", as defined in 29 CFR Part 778;

   b) Police Officers to attend five days per year of training without such time being counted as "hours worked" as defined in 29 CFR Part 778;

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three so-called plug-in days per year without time being counted as "hours worked" as defined in 29 CFR Part 778.

7) The "hours worked" were not unsubstantial or insignificant and therefore not de minimus as defined in 29 CFR §785.47.

8) The unpaid overtime referred to in ¶¶5 & 6 was never made up to me.

9) The Defendant willfully failed to record the times mentioned in ¶¶5 & 6 herein as "hours worked" and thereby willfully failed to pay me overtime compensation in violation of the Fair Labor Standards Act and its regulations 29 CFR Part 778.

10) Upon information and belief I am a person who is similarly situated to the named Plaintiff Robert A. Delitta because I was subjected to a willful and common policy or plan by the Defendant to violate the Federal Labor Laws requiring the payment of all "hours worked", and I seek payment for all the hours worked, as described in ¶¶5 & 6 herein, and an equal amount as liquidated damages for such unlawful activities.

11) The Defendant at all times material herein unlawfully maintained a practice of discipline for members of the Bargaining Unit operationally referred to as "Command Discipline", or so-called "CD days" wherein the named Plaintiff and all Bargaining Unit employees are subject, as part of imposed discipline for work related behaviors, to work their regular shift without receiving compensation for such hours worked.

12) I have retained the Law Office of Joseph P. Carey, P.C. to represent me in the above action and hereby authorize such attorney to file with the Clerk of the Court this Request To Participate and Consent To Sue in this litigation.

Dated: _04/11/08_

P.O. David Clarke
David Clarke

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Robert A. Delitta Individually and on
behalf of others similarly situated

Plaintiffs by Permissive Joinder,	**07-CIV-9441 CONSENT TO SUE "ECF Case"**

-against-

City of Mt. Vernon New York,
A Municipal Corporation

Defendant

————————————————————————————x

I hereby consent to be a Plaintiff in an action under the FLSA 29 USC § 201 at. seq., to secure any unpaid minimum wages, overtime, liquidated damages, attorneys' fees, costs and other relief arising out of my employment with the Defendant. I authorize the law office of Joseph P. Carey, P.C. and any associated attorneys, as well as my successors or assigns, to represent me in such action.

Dated: _03/04/05_

David Clk
Signature

DAVID CLARKE
Print Signature

1 KINGSBRIDGE PLAZA MT. VERNON NY 10552
Address

_08-01-05_
Date of Hire

_(914) 882-4404_
Telephone